

## Notice of Proposed Action

The Administrator of the Motor Vehicle Administration request **emergency status** to adopt **New Regulations .01 - .05** under **New COMAR 11.15.35 Mopeds, Motor Scooters, and Off-highway Recreational Vehicles**.

## Statement of Purpose

The purpose of this action is to request emergency status to adopt regulations to clarify requirements for mopeds, motor scooters, and off-highway recreational vehicles pursuant to Chapter 210 and 211, Acts of 2012.

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# Title 11 DEPARTMENT OF TRANSPORTATION

## Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE TITLING AND REGISTRATION

### Chapter 35 Mopeds, Motor Scooters, and Off-highway Recreational Vehicles

Authority: Transportation Article, §§12-104(b), 11-134.1, 11-134.5, 13-102, 13-106, 17-104.1, and 21-1306.1; Insurance Article, §19-505, Annotated Code of Maryland

#### **.01 Purpose.**

The purpose of this chapter is to clarify requirements for mopeds, motor scooters, and off-highway recreational vehicles.

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Administration" means the Motor Vehicle Administration.
- (2) "Eye-protective device" means face shields, goggles, and spectacles as described under COMAR 11.13.05.03.
- (3) "Moped" has the meaning stated in Transportation Article, §11-134.1.
- (4) "Motor scooter" has the meaning stated in Transportation Article, §11-134.5.
- (5) "Off-highway recreational vehicles" has the meaning stated in Transportation Article, §11-140.1.
- (6) "Protective headgear" has the meaning stated under COMAR 11.13.05.01(4).
- (7) "Title Decal" means a decal issued by the Motor Vehicle Administration, to be applied to a moped, motor scooter, or off-highway recreational vehicle for identification purposes.

#### **.03 Mopeds and Motor Scooters**

A. Mandatory Titling – Individuals who own a moped or motor scooters shall:

(1) Apply, in a format determined by the Administration, for a title, and include on the application the:

- (a) Vehicle Identification Number;
- (b) A serial number; or
- (c) A unique identifying number issued by the Administration.

(2) Pay the following fees:

(a) For mopeds and motor scooters owned by the applicant prior to October 2, 2012 and titled prior to October 2, 2013 a title decal fee as set forth in Transportation Article, §13-106(d)(4)(i); and

(b) For all other mopeds or motor scooters:

- (i) Title decal fee as set forth in Transportation Article, §13-106(d)(4)(i)
- (ii) An excise tax as set forth in Transportation Article, §13-809(a)(2)(iv).
- (iii) A title fee as set forth in Transportation Article, §13-802(b)(2).

B. All mopeds and motor scooters in use on public highways as defined in Transportation Article § 11-127 shall display the title decal on the rear of the vehicle in a visible position.

C. Title decals cannot be transferred to:

- (1) Another vehicle; or
- (2) A subsequent owner of the same vehicle.

D. Operators and riders on mopeds and motor scooters must wear protective headgear and an eye-protective device as set forth under COMAR 11.13.05.02 and COMAR 11.13.05.03, respectively.

E. Operators of mopeds and motor scooters must carry evidence of the required security in accordance with Transportation Article, 17-103, while operating the moped or motor scooter.

**.04 Off-highway Recreational Vehicles**

A. Mandatory Titling – Individuals who purchase an off-highway recreational vehicle after October 1, 2010 shall:

(1) Apply, in a format determined by the Administration, for a title, and include on the application the:

- (a) Vehicle Identification Number;
- (b) A serial number; or
- (c) A unique identifying number issued by the Administration; and

(2) Pay the following fees:

- (a) Excise tax as set forth in Transportation Article, §13-809(a)(2)(iv); and
- (b) A title fee as set forth in Transportation Article, §13-802(a).

B. Owners of off-highway recreational vehicles may apply, in a format determined by the Administration, for a title decal and pay a fee as set forth in Transportation Article, §13-106(d)(4)(i).

C. Title Decals cannot be transferred to:

- (1) Another vehicle; or
- (2) A subsequent owner of the same vehicle.

**.05 Lost or Damaged Title Decal**

A substitute title decal shall be issued to the owner of a moped, motor scooter, or off-highway recreational vehicle if the decal becomes lost, stolen, mutilated, or illegible for a fee as set forth in Transportation Article, §13-106(d)(4)(i).

**JOHN T. KUO**

**Administrator**

**Motor Vehicle Administration**